IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7612 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MANUBHAI T CHRISTIAN

Versus

STATE OF GUJARAT

Appearance:

MR PR NANAVATI for Petitioner

NOTICE SERVED BY DS for Respondent No. 1, 3

MR DIGANT JOSHI learned A.G.P. instructed by MR SP HASURKAR for Respondent No. 2

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 16/03/2000

ORAL JUDGEMENT

#. Rule, Mr.Digant Joshi, learned A.G.P. instructed by Mr.S.P.Hasurkar waives service of rule on behalf of the

respondent State. Mr.P.R.Nanavati for the petitioner. With the consent of the parties mater is taken up for final disposal.

#. The petitioner has raised an issue regarding not fixing of final pension. It is stated by the respondent no.2 in the affidavit-in-reply that the provisional pension was required to be fixed under the provision of BCSR, as departmental proceedings are pending against the petitioner and until those proceedings are completed final pension cannot be fixed. Looking to the facts and circumstances of the case, it will be in the fitness of things to issue following direction :-

The petitioner shall cooperate in the departmental inquiry and shall file a reply if any to the charge sheet within 15 days and after that particular reply is filed the department shall complete the departmental inquiry as early as possible preferably within six months from today, and not later than eight months.

#. The petition is partly allowed. Rule is made absolute to the aforesaid extent with no order as to costs.

kks